

**PATENT COOPERATION TREATY**  
**PCT**  
**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**  
(Chapter II of the Patent Cooperation Treaty)  
(PCT Article 36 and Rule 70)

REC'D 24 JAN 2006

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Applicant's or agent's file reference 12586PC2-JGA/PAB	<b>FOR FURTHER ACTION</b>	See Form PCT/IPEA/416
International application No. PCT/AU2004/001330	International filing date (day/month/year) 28 September 2004	Priority date (day/month/year) 1 October 2003
International Patent Classification (IPC) or national classification and IPC  Int. Cl.  <i>A23G 1/22</i> (2006.01)		
Applicant  CHOCOLATE GRAPHICS PTY LTD. et al		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
  - a. ☒ (sent to the applicant and to the International Bureau) a total of 3 sheets, as follows:
    - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
    - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
  - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/> Box No. I	Basis of the report
<input type="checkbox"/> Box No. II	Priority
<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/> Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/> Box No. VI	Certain documents cited
<input type="checkbox"/> Box No. VII	Certain defects in the international application
<input type="checkbox"/> Box No. VIII	Certain observations on the international application

Date of submission of the demand 29 April 2005	Date of completion of this report 13 January 2006
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  <b>MATTHEW FRANCIS</b> Telephone No. (02) 6283 2424

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2004/001330

## Box No. I Basis of the report

1. With regard to the language, this report is based on:

- ☒ The international application in the language in which it was filed
- ☐ A translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3(a) and 23.1 (b))
  - ☐ publication of the international application (under Rule 12.4(a))
  - ☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages **1-22** as originally filed/furnished
  - pages\* received by this Authority on \_\_\_\_\_ with the letter of \_\_\_\_\_
  - pages\* received by this Authority on \_\_\_\_\_ with the letter of \_\_\_\_\_
- ☒ the claims:
- pages as originally filed/furnished
  - pages\* as amended (together with any statement) under Article 19
  - pages\* **23** received by this Authority on **3 May 2005** with the letter of **3 May 2005**
  - pages\* **24,25** received by this Authority on **15 November 2005** with the letter of **15 November 2005**
- ☒ the drawings:
- pages **1-17** as originally filed/furnished
  - pages\* received by this Authority on \_\_\_\_\_ with the letter of \_\_\_\_\_
  - pages\* received by this Authority on \_\_\_\_\_ with the letter of \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2004/001330

**Box No. V** Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims 1-12	YES
	Claims	NO
Inventive step (IS)	Claims 1-12	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-12	YES
	Claims	NO

## 2. Citations and explanations (Rule 70.7)

D1: WO 2002/015707

D2: WO 1997/039636

D3: EP 992195

### NOVELTY (N), INVENTIVE STEP (IS)

Claims 1-12: None of the prior art documents nor any obvious combination thereof discloses or suggests the invention as presently claimed. That is, there is no disclosure of the use of a template and adhesive to locate former shapes on the former plate, nor is there disclosure of the manufacturing steps of claim 4. Hence the claims are considered both novel and inventive.

CLAIMS

1. A method of manufacturing a former for a mould plate for chocolate products including the steps of:
  - assembling a former plate, having a planar surface bounded by
  - 5 a border corresponding to the external dimensions of the mould plate;
  - producing a plurality of former shapes, corresponding to the recesses to be formed in the mould plate;
  - locating the former shapes in a template operable to locate the former shapes on the former plate;
  - 10 applying adhesive to the former shapes; and
  - locating the former shapes on the former plate, using the template, to fix the former shapes to the former plate.
2. A method as claimed in Claim 1 wherein:
  - the template has holes, operable to receive at least a portion of
  - 15 the former shapes, the holes being aligned with engraved or otherwise formed images on a graphics plate to which the mould plate is to be associated.
3. A method as claimed in Claim 2 wherein:
  - the images on the graphics plate are formed by a laser
  - 20 engraver and are located thereon at spacings determined by a template layout programmed in computer software which controls the laser engraver.
4. A method of manufacturing a mould plate for chocolate products including the steps of:

mixing a silicone rubber compound with a hardener to form a solution;

applying a vacuum to the solution to remove at least the majority of the air bubbles in the solution;

5                   pouring a preset weight of the solution into a mould former, manufactured by the method of any one of Claims 1 to 3, and allowing the solution to settle;

applying a clamping pressure to the mould assembly and allowing the silicone rubber to at least initially cure; and

10                   allowing the rubber to post cure before use.

5.                   A method as claimed in Claim 4 wherein:  
the solution is thoroughly mixed; and  
a coloured hardener is used to see when mixing is complete.

6.                   A method as claimed in Claim 4, wherein:  
15                   when the solution is poured into the mould former, filtered dry air is blown onto the surface of the solution to remove air bubbles on the surface and agitate and settle the solution around the shapes in the mould former.

7.                   A method as claimed in Claim 4 wherein:  
20                   a flexible divider is applied to the top surface of the former and rolled with a roller to work any air pockets out of the solution and cause excess solution to be excluded from the former.

8.                   A method as claimed in Claim 4 wherein:  
the initial curing is for 24 hours.

25   9.                   A method as claimed in Claim 4 wherein:

the edges of the mould plate are trimmed to remove any excess rubber, which has flowed onto an external top face of the former about the border of the mould surface.

10. A method as claimed in Claim 4 wherein:

5 the post curing may be at room temperature for 7-10 days, or in a curing oven, at 200°C for approximately 2 hours.

11. A method of manufacturing chocolates with a thin design of at least one other colour thereon, the method including the steps of:

engraving a plurality of images, corresponding to the design, on  
10 a graphics plate at preselected locations;

producing a mould plate former by the method of Claim 1;

producing a rubber mould plate using the mould plate former by  
the method of Claim 4;

applying chocolate of at least a first colour to the graphics plate  
15 to fill the engraved image thereon, to form the design, and removing any excess chocolate;

locating the mould plate on the graphics plate with the recesses  
in the mould plate in register with the designs of the at least first colour  
chocolate;

20 filling the recesses with another colour chocolate;

allowing the chocolate to set; and

removing the final chocolates from the mould plate.

12. Chocolates with a thin design thereon made by the method of  
Claim 11.